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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,736	05/18/2000	Michael V. Leman	MPATENT.158A	9808

20995 7590 03/28/2005

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EXAMINER

BROWN, VERNAL U

ART UNIT PAPER NUMBER

2635

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/574,736

Applicant(s)

LEMAN ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5-9, 11-14, 16-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to communication filed on February 17, 2005.

#### ***Response to Amendment***

The Jung et al. reference is a U.S. patent or U.S. patent application publication of a pending or patented application that claims the rejected invention. An affidavit or declaration is inappropriate under 37 CFR 1.131(a) when the reference is claiming the same patentable invention, see MPEP § 2306. If the reference and this application are not commonly owned, the reference can only be overcome by establishing priority of invention through interference proceedings See MPEP 715.05. See MPEP Chapter 2300 for information on initiating interference proceedings. If the reference and this application are commonly owned, the reference may be disqualified as prior art by an affidavit or declaration under 37 CFR 1.130. See MPEP § 718.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the U.S. Patent Publication 2003/0068044 reference. The Affidavit is not sufficient to overcome the rejection because of the following reasons.

The evidence of the conception presented fails to show that the conception contains all of the claimed subject matter.

Applicant is required to submit evidenced to show that the invention actually worked and was operational in order to claim the active reduction to practice date of March 2000.

In determining priority of invention reasonable diligence must be shown.

***Response to Arguments***

Applicant's arguments filed February 17, 2005 have been fully considered but they are not persuasive.

Regarding applicant's argument regarding the date of the reduction to practice, the evidence of the conception presented fails to show that the conception contains all of the claimed subject matter.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2, 5, 7, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jung et al. U.S Patent 6675300 in view of Wecker et al. U.S Patent 6289464 in view of Seal U.S Patent 6396438 and further in view of Flick U.S Patent 6392534.

Regarding claims 1, 5, 7 and 17, Jung et al. teaches a remote control computer system (figure 1) comprising a computer (200) having a wireless receiver (400) configured for radio frequency communication (col. 10 lines 4-5), a hand held controller (300) comprising a wireless transmitter (figure 1). Jung et al. further teaches by pressing the keys (PG1, PG1', PG2, and PG2') the remote control transmitter sends signal to the computer to perform a power on

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sequence and to launch a user-defined application program (col. 11 lines 41-50). Jung et al. also teaches by pressing the keys (WIN and WIN') of the remote control the computer system is changed from the off state to the on state (col. 11 lines 35-40). The use of multiple keys of the remote control to launch various applications and to switch on the computer power supply includes at least three keys. Jung et al. is however silent on teaching wireless receiver comprises a printed circuit board that is configured to connect with the expansion slot of the computer and the wireless receiver comprises battery for powering the wireless receiver. Jung et al. is also silent on teaching the wireless transmitter has a communication range of 200 to 500 feet and an attachment device for attaching the handheld controller to a key or a personal device. Wecker et al. in an art related invention in the same field of endeavor of wireless communication for computing device teaches wireless receiver comprises a printed circuit board that is configured to connect with the expansion slot of the computer and the wireless receiver comprises battery for powering the wireless receiver (col. 7 lines 5-12). Seal in an art related invention in the same field of endeavor of wireless transmission teaches the transmission of radio frequency control signal in a range greater than 100 feet (col. 1 lines 56-57) but is also silent on teaching an attachment device for attaching the handheld controller to a key or a personal device. The attachment of a key ring to a remote represents a conventional practice and is evidenced by Flick (figure 1).

It would have been obvious to one of ordinary skill in the art for the wireless receiver to comprise a printed circuit board that is configured to connect with the expansion slot of the computer and the wireless receiver comprises battery for powering the wireless receiver the transmitter to have a transmission range of 200 to 500 feet and to further have an attachment

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device for attaching the handheld controller to a key or a personal device in Jung et al. as evidenced by Wecker et al. in view Seal in view of Flick because Jung et al. suggests a wireless receiver connected to the computer and a transmitter in the form of a remote control for transmitting remote control signal to a computer and Wecker et al. teaches wireless receiver comprises a printed circuit board that is configured to connect with the expansion slot of the computer and the wireless receiver comprises battery for powering the wireless receiver so that the wireless receiver can be easily attached to the computer using a standard interface. Seal also teaches the transmission of control signal with a range greater than 100 feet and the attachment of a key ring to a remote represents a conventional means of storing commonly used items (keys) so as to ensure they can be easily located and is evidenced by Flick. .

Regarding claim 2, Jung teaches the wireless transmitter is configured for radio frequency transmission (col. 10 lines 4-5).

Regarding claim 6, Jung teaches analyzing the remote control signal (S220 in figure 14) to select the application to launch.

Regarding claim 13, Jung et al. in view of Wecker et al. in view of Flick is silent on teaching the wireless transmitter and receiver has a communication range of approximately 200 to 500 feet. Seal in an art related System And Method For Locating Radio Frequency Identification Tags invention teaches radio frequency transmitter and receiver having communication range greater than 100 feet (col. 1 lines 56-57).

It would have been obvious to one of ordinary skill in the art for the transmitter and receiver to have communication range between 200 and 500 feet in Jung et al. in view of Flick as evidenced by Seal because Jung et al. in view of Flick suggests a computer with wireless remote

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control and Seal teaches radio frequency transmitters and receivers with communication range greater than 100 feet in order to remotely control a computer from a communication range of up to about 500 feet.

Claim 8-9, 11-12, 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jung et al. U.S Patent 6675300 in view of Flick U.S Patent 6392534 and further in view of Wecker et al. U.S Patent 6289464.

Regarding claims 8-9, Jung et al. teaches a computer system (figure 1) comprising:

a hand held controller (300) comprising a radio frequency transmitter (col. 10 lines 4-5) configured to transmit at least a first, second and third signal in response to at least first and second user actuation operations (col. 11 lines 30-45);

a computer comprising a radio frequency receiver (col. 10 lines 4-5), wherein the computer is configured to receive first, second, and third signal and perform power up sequence and launch a first and second application program in response to the received signal (col. 11 lines 41-50). Jung et al. is silent on teaching wireless receiver comprises a printed circuit board that is configured to connect with the expansion slot of the computer and the wireless receiver comprises battery for powering the wireless receiver. Jung et al. is also silent on teaching an attachment device for attaching the handheld controller to a portable object. Wecker et al. in an art related invention in the same field of endeavor of wireless communication for computing device teaches wireless receiver comprises a printed circuit board that is configured to connect with the expansion slot of the computer and the wireless receiver comprises battery for powering

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the wireless receiver (col. 7 lines 5-12). The attachment of a key ring to a remote represents a conventional practice of storing commonly used items (keys) so as to ensure they can be easily located and is evidenced by Flick (figure 1).

It would have been obvious to one of ordinary skill in the art to have an attachment device for attaching the handheld controller to a portable object in Jung et al. as evidenced by Flick because Jung et al. suggests portable transmitter for transmitting control signal to a computer and suggests a wireless receiver connected to the computer and a transmitter in the form of a remote control for transmitting remote control signal to a computer and Wecker et al. teaches wireless receiver comprises a printed circuit board that is configured to connect with the expansion slot of the computer and the wireless receiver comprises battery for powering the wireless receiver so that the wireless receiver can be easily attached to the computer using a standard interface. The attachment of a key ring to a remote represents a conventional practice so as to ensure the keys can be easily located and is evidenced by Flick.

Regarding claim 9, Jung et al. teaches user actuation operation comprise pressing the buttons of the remote control (col. 12 lines 15-16)

Regarding claims 11-12 and 14, Jung et al. teaches a remote control computer system (figure 1) comprising a computer (200) having a wireless receiver (430) configured for radio frequency communication (col. 10 lines 4-5), a hand held controller (300) comprising a wireless transmitter (figure 1). Jung et al. further teaches by pressing the keys (PG1, PG1', PG2, and PG2') the remote control transmitter sends signal to the computer to perform a power on sequence and to launch a user-defined application program (col. 11 lines 41-50). Jung et al. also teaches by pressing the keys (WIN and WIN') of the remote control the computer system is



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changed from the off state to the on state (col. 11 lines 35-40). The buttons (PG1, PG1', PG2, and PG2') of the remote control is used to power on the computer and launch application program and the buttons (WIN and WIN') of the remote control is used to turn the computer on. Jung et al. is however silent on teaching wireless receiver comprises a printed circuit board that is configured to connect with the expansion slot of the computer and the wireless receiver comprises battery for powering the wireless receiver and is also silent on teaching an attachment device for attaching the handheld controller to a portable object. Wecker et al. in an art related invention in the same field of endeavor of wireless communication for computing device teaches wireless receiver comprises a printed circuit board that is configured to connect with the expansion slot of the computer and the wireless receiver comprises battery for powering the wireless receiver (col. 7 lines 5-12). The attachment of a key ring to a remote represents a conventional practice of storing commonly used items (keys) so as to ensure they can be easily located and is evidenced by Flick (figure 1).

It would have been obvious to one of ordinary skill in the art to have an attachment device for attaching the handheld controller to a portable object in Jung et al. as evidenced by Flick because Jung et al. suggests portable transmitter for transmitting control signal to a computer and suggests a wireless receiver connected to the computer and a transmitter in the form of a remote control for transmitting remote control signal to a computer and Wecker et al. teaches wireless receiver comprises a printed circuit board that is configured to connect with the expansion slot of the computer and the wireless receiver comprises battery for powering the wireless receiver so that the wireless receiver can be easily attached to the computer using a

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standard interface. The attachment of a key ring to a remote represents a conventional practice so as to ensure the keys can be easily located and is evidenced by Flick.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown  
March 21, 2005



BRIAN ZIMMERMAN  
PRIMARY EXAMINER